

Person, Curtis  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3296\***

**House Bill No. 3450**

By adding the following after the last section:

AND FURTHER AMEND By adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_. Notwithstanding any provision of law to the contrary, in any condemnation proceedings initiated in this state:

(a) Notice of the filing of a petition to institute condemnation proceedings shall be given to each respondent at least thirty (30) days prior to the taking of any additional steps in the case. If the respondent is unknown, is a nonresident of the state, or cannot be found, notice shall be given by publication, which shall be made in the same manner as provided by law for similar situations in chancery court.

(b)

(1) After the expiration of thirty (30) days from the date of the giving of such notice, if the right to take has not been challenged in an answer, the condemnor shall have the right to take possession of the property or property rights sought to be condemned.

(2) If the right to take is challenged in an answer within thirty (30) days from the date of the giving of such notice, the court shall promptly determine as a matter of law whether the condemnor has the right to take the property or property rights sought to be condemned, and if the court determines that the condemnor has the right to take, the condemnor shall thereupon have the right to take possession thereof.

When a condemnor has the right to take possession of property or property rights, if necessary, the court shall issue a writ of possession to

the sheriff of the county to put the condemnor in possession. Such writ may be issued prior to a trial on the damages.

SECTION \_\_. Tennessee Code Annotated, Section 29-17-401, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) No sooner than thirty (30) days after the filing of a petition by a housing authority, created pursuant to the Housing Authorities Law (compiled in title 13, chapter 20) or any other law of this state, for condemnation of property, and before the entry of final judgment, a housing authority may file with the clerk of the court in which the petition is filed, a declaration of taking signed by the duly authorized officer or agent of the housing authority declaring that all or any part of the property described in the petition is being taken for the use of the housing authority.

SECTION \_\_. Tennessee Code Annotated, Section 29-17-803, is amended by deleting the language "five (5) days" wherever it appears and substituting instead the language "thirty (30) days".

SECTION \_\_. If, pursuant to an applicable statute or order of the court, the condemnor is required to deposit funds with the court in the amount the condemnor deems to be the amount of damages to which the owner is entitled pursuant to such condemnation, and a respondent is not satisfied with the amount deposited by the condemnor, or otherwise objects to the taking, then such respondent shall, on or before thirty (30) days from the date of notice of the filing of the petition, file an answer to the petition and a trial may thereafter be had before a petit jury as other civil actions are tried. Such deposit by the condemnor shall not limit or fix the amount to be allowed under subsequent proceedings in the action.